



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2401788

Applicant Name: Stuart Mcfeely for C. Lorch & J. Haack

Address of Proposal: 2524 Beacon Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit for future change of use of an existing single family residence to restaurant and multifamily (two-unit apartment) residential use. Project includes a 1,169 square foot addition for a total of 1,896.5 square feet of restaurant use on the first floor; and 952 square feet (second floor) addition to residential units. The project also includes expanding the basement level for accessory storage and office use. Additionally, surface parking for three vehicles is to be provided on site.

The following Master User Permit components are required:

Administrative Conditional Use - to allow the addition of residential unit in a single-purpose residential building (two-unit apartment) in a Neighborhood Commercial Two zone. (SMC 23.47.008)

Variance - to allow less than the required 13 foot floor to floor height limit at street level. (Seattle Municipal Code 23.47.008C.2)

Variance - to allow commercial use to be located more than 10 feet from the street lot line. (Seattle Municipal Code 23.47.042.C.3)

Variance - to allow commercial use to be located more than 3 feet above or below the sidewalk grade. (Seattle Municipal Code 23.47.008.B.7)

SEPA DETERMINATION ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The subject property is an interior lot located between South Bayview Street and South Lander Street on the eastside of Beacon Avenue South, in the North Beacon Hill neighborhood. The subject site is rectangular in shape, with its lengthwise orientation running along a northeast/southwest axis. The site encompasses a land area of approximately 4,000 square feet in a Neighborhood Commercial Two zone with a height limit of 40 feet (NC2 - 40). Additionally, the subject site is located within the North Beacon Hill Urban Village Overlay, Pedestrian One (P1) designation zone, and Beacon Hill Transit Overlay District.



The site is relatively level that sits approximately one foot above sidewalk grade. A concrete alley abuts the subject site to the east. A modestly sized two-story single family building with partially above grade basement is the only structure on the development site. The single family structure was relocated to the development site in 1921; the first floor sits approximately 4 feet above grade and occupies an area of approximately 732 sq. ft. The structure is currently vacant due in part to extensive fire damage that occurred in the fall of 2002. The structure has been boarded up and the property has been fenced off to prevent vandalism. A large dumpster has been placed within the perimeter's security fence. Sparse vegetation can be found at the subject lot, of note are two mature deciduous trees located in the front setback area and grass lawn in both the front and rear. Surface parking is currently located in the rear setback. Vehicle access to the development site is obtained through a 16 foot wide concrete alley running parallel to Beacon Avenue South. Beacon Avenue South is a primary arterial connecting the South end of Seattle to the International District with connecting thoroughfares to Downtown, and Capitol Hill neighborhoods.

The subject site is situated along the main transit artery serving the Beacon Hill community. Sound Transit's West Beacon Hill Station will be located one block south of the subject lot. The NC2-40 zoning band stretches along Beacon Avenue South approximately four blocks from South Bayview Street south to South Stevens Street. A mix of commercial businesses and residential uses can be found populating this residential commercial area, from restaurants, banks to chiropractic offices. One and two-story structures are typical along this stretch of Beacon Avenue South. One block to the east and northeast of the subject lot is an expansive Single Family 5000 (SF5000) zone. Another significant presence in this community is El Centro de la Raza community center, occupying an entire block and located one block east in the SF 5000 zone. To the west outside the NC2-40 zoning band a wide swath of residential uses predominate including Multifamily Lowrise One, Two and Three (L1, L2, and L3) zones buffering the SF 5000 zone. A Metro bus zone is located just north of the subject lot along this stretch of Beacon Avenue South servicing bus routes 36, 38, and 60.

Proposal Description

The applicant proposes to convert an existing single family structure and establish a restaurant at street level and two-unit apartment on the second floor. The renovation of the fire damaged building will consist of expansion of the building's north and east facades. The first floor expansion along the north facade is designed to maintain the uniform ceiling height of 9 feet in the proposed dining area. The addition in the rear will feature a kitchen and accessory space; the ceiling height will be raised to 13 feet to meet mixed-use development standards. The upper level will be expanded to accommodate two residential units with a ceiling height of approximately 8 feet. The basement level will be expanded (to a total 1,275.6 sq. ft.) to provide accessory storage and office space for the proposed uses. Parking for three vehicles will be provided in the rear with landscaped open space provided in the front.

Public Comment

Date of Notice of Application : September 09, 2004

Date End of Comment Period: September 22, 2004*

Letter(s) Received 1

Issues: The respondent wanted to be kept informed about this project; they expressed excitement and curiosity for future construction activity.

* Initially, notification of the project to the public commenced on July 01, 2004 and ended on July 22, 2004. The re-notification language more accurately captured the full extent of the development proposal which included the commercial use's proximity to the sidewalk.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The proposal is to convert and expand an existing single-family home into a two-unit apartment and restaurant use that does not comply with mixed use standards on a lot zoned NC2-40. Pursuant to Seattle Municipal Code (SMC) Section 23.47.004.E.1, the structure is classified as a single purpose residential structure because it does not meet mixed use development standards. The addition of a residential unit to a structure not meeting mixed use development standards requires an Administrative Conditional Use (ACU). Single purpose residential structures otherwise permitted or exempted as provided in SMC Section 23.47.004.E in NC2 zones requires approval of an administrative conditional use permit pursuant to the criteria identified at SMC Section 23.47.006.B.4. The applicable criteria are listed below and followed by brief discussion of the project's consistency with each criterion.

- (a) *Due to location or parcel size, the proposed site is not suited for commercial development; or*

The applicant proposes to convert and expand an existing single purpose residential building (single family residential structure) to establish a two-unit apartment on the second level and restaurant use at street level. The specific action will involve rehabilitation and expansion of the structure's existing footprint. The reuse of the structure is designed to establish additional affordable housing opportunities in this South end neighborhood as well as provide a local restaurant to directly serve the demands for the community at large. As was previous noted the building will be reused and as such it will fail to meet several mixed use development standards; one example is the minimum floor to floor height limit of 13 feet at street level. Since the building would fail to meet the specific Mixed Use and Pedestrian One development standards of SMC Section 23.47.008 and 23.47.042, the addition of residential units must be reviewed as if this were a single purpose residential use structure. For all intent and purpose, the building will provide commercial and residential uses at the development site which shall be taken into consideration in the evaluation of this proposal.

The site is a rectangular shaped lot and comprises a land area of approximately 4,000 square feet. The existing residential structure's first floor sits on average approximately 5 feet above the existing sidewalk grade. The residential structure is approximately 24 feet from the front property line. The owner wishes to maintain the existing structure with interior and exterior modifications to establish a restaurant and two-unit apartment.

The existing building neither establishes a commercial presence nor does it have much impact on the adjacent uses. Typically commercial uses on the first floor within a mixed use building in NC zones are located at street level, and are abutting the front property line.

If redevelopment included demolishing the existing structure and building a new structure, then Code required mixed use standards could be met at the development site. To retrofit the existing structure would entail substantial grading to drop the first floor, an increase of the first floor ceiling height, and shifting the structure's footprint to the front property boundary line. This option is impractical given

the structural constraints of the existing structure. The reengineering of the existing structure makes it impractical to meet location and interior design requirements of the zone. The subject lot could support, at the minimum, a mixed use development, with vertical and horizontal clearances for commercial uses if a new building were proposed. Although, the owner is proposing something smaller in scale with retrofitting the existing structure, this type of development only fails to meet mixed use standards by virtue of the existing structure's design and location. A commercial use is proposed for the development site with residential use above. Provided the existing structure is to remain, the site is not well suited for most non-residential uses at street level.

- (b) *There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land: provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.*

Commercial structures within the NC2-40 along this stretch of Beacon Avenue South were generally constructed between the 1940's and 1970's. There are a few surface parking lots within this commercial zoning boundary area. However, there are a substantial number of lots with established commercial uses that are underdeveloped with relationship to lot coverage. Some of those structures are in a state of disrepair. A few exceptions have been noted in the area during the site visit. The property immediately north of the subject site has a two-story apartment building. The abutting property to the south contains a two-story apartment building in the rear half with a one-story commercial addition fronting Beacon Ave South.

Bank of America's Beacon Hill Branch office is located southwest of the development site at the northwest corner of South Lander Street and Beacon Avenue South. Restaurants, retail, and offices round out the some of the commercial uses along this NC2 corridor. A few sites located along this expanse of Beacon Hill Avenue South supports residential uses including multifamily and single family residences. Beacon Avenue South is an active street conveying traffic along the north/south axis.

Currently this neighborhood is undergoing a significant transformation with installation of a Sound Transit light rail station (West Beacon Hill Station) under construction just south of the development site. It is further anticipated that the light rail station will be a catalyst for future economic investment around the station. New construction is likely to be spurred in surrounding area once the station is in operation. As the demand increases for new development in the area a number of the underutilized sites will be transformed, thus enriching Beacon Hill's commercial core.

The block has a distinct commercial main street presence with the proximity of the structures' bulk and mass frontage along Beacon Avenue South. The mix of one and two-story structures on the

block, with its mix of commercial and residential uses afford an intimate urban experience which sparks social interactions. The block itself lacks a definitive commercial presence. Converting the existing single family structure into a restaurant and two-unit apartment use in a remodeled structure would not interrupt and take away from the established commercial frontage. Thus, the second criterion is satisfied.

Conclusion

Application of the conditional use criteria to the subject site leads to the conclusion that the conversion of an existing two-story single family residential structure into a structure containing a two-unit apartment on the upper floor and restaurant use on the street level should be permitted. Future development could support commercial and residential use meeting Code, and would be encouraged, if the existing structure was to be demolished. As currently proposed no adverse impacts requiring mitigation pursuant to the conditional use authority have been identified.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to convert a single family residence into a two unit apartment and restaurant use (single-purpose residential use) in a Neighborhood Commercial 2 with a height limit 40 zone as depicted in the Master Use Permit drawings dated, November 17, 2004 is **CONDITIONALLY APPROVED.**

ANALYSIS - VARIANCE

Variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions (stated in *italics*) are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

A variance has been requested because of unusual conditions applicable to the subject site, as was discussed in the Administrative Conditional Use Section. The existing building addressed at 2524 Beacon Avenue South has conditions that warrant relief from the Code. The applicant acquired the property during the intervening years after the structure was constructed and relocated to the development site. The current owner now intends to renovate the existing single family structure located in the NC2-40 zone. The renovation consists of expanding the restaurant use for the propose of increasing the size of the dinning area along the north façade to match the existing first floor ceiling height of 9 feet. The first floor addition in the rear (east façade) is proposed for kitchen and accessory spaces, and will meet the 13 foot height ceiling limit for mixed use developments. The upper level will house two residential apartment units. The upper floor will be offset to reflect

the first floor ceiling heights, with each unit occupying a level floor. The first floor sits approximately 5 feet 3 inches above the sidewalk grade.

The existing single family structure was moved from 2227 12th Avenue South to the development site (2524 Beacon Avenue South) in 1921. The structure was sited to comport to the current residentially zoned yard requirements. In particular, the structure was placed approximately 24 feet 10 inches from the front property boundary line. Also, the structure's first floor sits atop a partially above grade basement, measuring 3 feet above grade. The reuse of the existing structure in its current location and configuration does not allow for a simultaneous residential and commercial use to jointly occupy the structure meeting mixed use development standards. Since the building does not comport to the first floor minimum ceiling height limit (13 foot) and is not within 3 feet above or below sidewalk grade, the building must be classified as single purpose residential use structure. Further, the Pedestrian One designation at the development site requires permitted commercial uses at street level to be located within 10 feet of the front property boundary line.

The property owner has chosen to rehabilitate the existing structure including expanding the rear (east) and side (north) facades due in part to the topographic conditions at the development site. There is no feasible option available to achieve the desired goal of reusing the existing structure by providing two residential units and a restaurant use meeting mixed use development standards. The proposed design features include an expanded uniform dining seating area in the front, and a 13 foot high ceiling for the new backroom which will feature a kitchen, bathroom facilities, and access the upper levels. The second story upper floors are offset, with each unit occupying one level, reflecting the ceiling heights on the first floor.

The applicant has attempted to comport to the mixed use development standards with the addition in the rear. The structure could not be feasibly lowered and increase the ceiling height on the first floor level without substantial engineering that is out of scale for the project. The applicant is not asking for any more than to rehabilitate an existing structure to provide commercial and residential use that technically fails to meet current mixed use development standards. Strict application of the Code to Mixed Use standards would require the demolition or substantive structural alterations. Given the precise location of the existing structure and interior design which were not created by the owner or applicant, the strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The owner of the subject lot is proposing to rehabilitate an existing single family structure, including an addition to the north (side) and east (rear) facades. The 28 foot deep two-story addition in the rear will feature a 13 foot floor to floor ceiling height. The one-story addition along the north façade

will increase the proposed dining area for the proposed restaurant at street level and will feature a deck for one of the two units above. The owner is maintaining the structural integrity of the existing building and keeping the restaurant on one level. As discussed previously, the location of the house is approximately 24 feet away from the front property line, and the first floor level is on average 4 feet above grade (5.25 feet above sidewalk grade). The owner would be deprived of reusing the existing structure if they had to meet Mixed Use and Pedestrian One designated zone development standards. To efficiently provide accessibility throughout the entire first floor and minimize onerous structural alterations, the proposed rehabilitation is the desired design plan. The owner is requesting to take advantage of the existing placement of the building and minimized structural impacts.

Most of the neighboring properties enjoy the benefits and privileges of reusing existing structures or building new structure, and provide a mix of residential and commercial uses. Where reusing existing structures are concerned some of these developments site do not meet the strict application of the Land Use Code's mixed use standards. A number of properties throughout the city and within the area have reused existing single family structures by converting them into structures containing both commercial and residential uses that failed to meet mixed use development standards. For example, directly abutting the subject site to the south is a development site that placed its addition between the residential structure and the front property line. The abutting property's street level ceiling height appears not meet the 13 foot ceiling height requirement. To allow this variance would not represent a grant of special privilege because it would not be out of scale with other existing single family structures that have established both a commercial and residential use without meeting current mixed use development standards.

Therefore, the requested variance would not go beyond the minimum necessary to afford relief and would not constitute a grant of special privilege.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

No material detriment to the public welfare or injury to property or improvements in the zone or vicinity is likely to occur by granting the requested variances. The relationship of the existing structure's bulk and scale to Beacon Avenue South will have a slight visual impact at most. The area within the front setback area will be landscaped to enhance the visual presence of the proposed uses along the streetscape. The two structures located on either side of the subject site will continue to have a dominating presence along Beacon Avenue South due to adjacency to their respective front property boundary lines and structure mass. The owners plan to provide an attractive landscaped environment with amenities to draw attention to their building. The proposed first floor addition with a ceiling height of 9 feet, the restaurant use is setback approximately 24 feet 10 inches from the front property line, and the restaurant use being approximately 4 feet 3 inches above sidewalk grade does not constitute a material detriment to the public welfare or injury to impact surrounding properties.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The literal interpretation and strict application of the Land Use Code would require that the building be relocated within 10 feet of the front property boundary line to meet Pedestrian One development standards for permitted commercial uses (Refer to SMC Section 23.47.042.C). The structure includes a partially above grade basement that was erected in 1921. To shift the structure would mean substantial on-site grading which would allow the structure to be lowered to the sidewalk height. However, to shift the structure would prove impractical due to in part to the scope of the project's reuse of an existing structure. The existing signal family structure would need further modifications that would entail increasing the height of the first floor which would structurally far more complex. It would be more practical to demolish the existing structure and build new. The owner has taken a practical course of employing sustainability practices by reusing the existing structure.

Mixed use standards require street level commercial use to be within 3 feet above or below grade of the abutting sidewalk (Refer to SMC Section 23.47.008.B.7). Rehabilitating the existing structure in its current footprint would create a nonconforming condition of approximately 2.25 feet above the maximum 3 foot height allowance above sidewalk grade.

Lowering the basement level is achievable but impractical, because it would not result in meeting mixed use development standards alone. The structure's street level height must be increased to 13 feet floor to floor. This alone is so significant a structural obstacle that the only practical design solution is to demolish the building. Few options are available and feasible to the owner to develop the site and reuse the existing structure. It would cause the owners practical difficulties to deprive them of the ability to reuse the existing structure as designed.

Therefore, the literal interpretation of the requirements of the Land Use Code would result in undue hardship or practical difficulties for the applicant.

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code and regulations for this area.

The Neighborhood Commercial development standards seek to ensure that the scale of uses is compatible with the character and function of the commercial area. The requested variance in this instance would not detract from the character of the surrounding commercial community. In fact the area will benefit from the proposal. An existing structure will be saved and renovated to provide an attractive addition along the streetscape. The area between the front façade and street property boundary line will be landscaped to make the pedestrian experience more pleasurable. The addition of a restaurant use to the neighborhood will provide another option for area residents to enjoy a dining experience in the neighborhood. The pedestrian oriented commercial experience encourages strong, healthy business districts that are compatible with their neighborhood; thus reinforcing a

sense of belonging while providing an active, attractive, and accessible environment. Granting the variance would not be contrary to the spirit and purpose of the Land Use Code regulations.

Therefore, granting the requested variance would be consistent with the spirit and purpose of Land Use Code regulations for the area.

DECISION - VARIANCE (Based upon approved plans in the file)

The proposed variance to allow an existing second story deck attachment to the principal structure to extend into the required front yard is **CONDITIONALLY GRANTED**. The condition is specified at the end of this report.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

Prior to Final Inspection:

1. Compliance with the approved design features and elements, including landscaping improvements, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner must be made at least 3 working days in advance of the inspection.

Signature: _____ (signature on file) Date: January 31, 2005
Bradley Wilburn, Land Use Planner
Land Use Services
Department of Planning and Development

BW:bg

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